

Hand-Delivered

Case Number

Nazeer Tyree Wiggins

3 : 24 - CV - 1002 - MOC - SCR

5521 Londonderry Road

Charlotte Nc, 28210

FILED
CHARLOTTE, NC

JAN 27 2025

US DISTRICT COURT
WESTERN DISTRICT OF NC

The Defendant's Answer to the Complaint

To whom this letter may concern,

I Nazeer Tyree Wiggins, "Defendant" denies each and every allegation set forth in the Complaint. To the extent the Complaint contains conclusions of law, Defendant denies any liability under those legal theories. Defendant specifically denies that Plaintiff is entitled to any relief as requested

Failure to State a Claim

The facts alleged in the Plaintiff's Complaint are insufficient to show a plausible right to recover for the following reasons:

- **No Specific Acts Attributed to the Defendant:** The Plaintiff's Complaint fails to provide factual allegations identifying any specific acts or omissions by the Defendant that directly caused the Plaintiff harm. General allegations or statements unsupported by concrete facts do not meet the burden of showing entitlement to relief under *Ashcroft v. Iqbal*, 556 U.S. 662 (2009).
- **Failure to Establish Legal Elements:** Each cause of action requires specific elements to be proven, such as duty, breach, causation, and damages (in the case of negligence), or intent and unlawful action (in the case of intentional torts). The Complaint does not allege sufficient facts to satisfy these elements, rendering the Plaintiff's claims legally deficient.
- **Speculative Allegations:** The Plaintiff relies on conclusory or speculative statements without factual support. For instance, the Complaint lacks allegations that tie the Defendant's alleged presence or actions to the harm suffered by the Plaintiff. Courts have held that speculative claims are insufficient to withstand a motion to dismiss (*Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007)).
- **Lack of Causation and Proximate Cause:** The Plaintiff has not alleged a direct connection between the Defendant's actions and the harm suffered. Without

factual allegations that the Defendant's conduct was the proximate cause of the Plaintiff's injury, the right to recover cannot be established.

- **Damages Not Adequately Pleaded:** The Plaintiff fails to describe specific, quantifiable damages or how those damages resulted from the Defendant's alleged conduct. Without a clear articulation of damages, the Plaintiff's claims are incomplete.

If the Defendant asserts that these deficiencies in the Plaintiff's allegations preclude any recovery, as they fail to demonstrate a legal right to relief under the standards required by federal law.

The Plaintiff's Complaint is insufficient to show a right to recover because it fails to allege specific facts proving that the Defendant's actions caused the alleged harm. The claims rely on vague, conclusory, or speculative statements and do not establish the required legal elements such as causation, intent, or damages. The Defendant asserts that there is no connection between their conduct and the Plaintiff's alleged injuries, and the claims fail to meet the legal standard for recovery.

Sincerely,

A handwritten signature in black ink, appearing to read "Nazeer Tyree Wiggins". The signature is fluid and cursive, with the first name "Nazeer" being more prominent and stylized than the last name "Wiggins".

Nazeer Tyree Wiggins